

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

FILED

JAN 19 2005

TRACEY STOUDT, a minor, by her Guardian,)
MATTHEW STOUDT,)

Plaintiffs,)

v.)

FORD MOTOR COMPANY, a Foreign)
Corporation,)

Defendant.)

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Case No.: 04 C 4318

Judge Mark Filip

**PETITION FOR APPOINTMENT AS SPECIAL
ADMINISTRATOR AND TO SETTLE CLAIM**

COMES NOW Petitioner, ROBINA MARTIN, as parent of Colleen Burnett, and
in support states:

1. Petitioner resides at 1210 Pineoak Lane, Rantoul, IL 61866. She is the
mother of Colleen Burnett, who was living with Petitioner on October 1, 2003.

2. That on October 11, 2003 the minor, Tracey Lynn Stoudt, was injured in
an automobile accident. Said minor was a passenger in a motor vehicle driven by her
mother, Colleen Burnett, which lost control for some unknown reason and collided with
another vehicle driven by James Shupe.

3. Colleen Burnett died instantaneously in this collision.

4. Colleen was not married on the date of her death. She had three minor
children which she left as her heirs and next of kin:

- Tracey Stoudt (a minor)
- Richard Burnett (a minor)
- Jessica Trinkle (a minor)

5. Petitioner has physical custody of Jessica, and has contact with the minor Richard, who resides with his father in Kentucky. Tracy Stoudt lives with her father and court-appointed guardian, Matthew Stoudt.

6. Based upon investigation to date and information obtained in settlement negotiations with Ford, it appears that there was significant contributory negligence upon Ms Burnett, and Ford has claimed that she was the sole proximate cause of the collision and that there was no defect in its Aerostar van.

7. Ford has made a global offer of settlement, to be allocated \$65,000 to Tracey Stoudt, \$30,000 to the Estate of James Shupe, and \$5,000 to the Estate of Colleen Burnett. The parties have agreed to this allocation.

8. That the petitioner has discussed the proposed settlement with her attorney, BRYAN J. O'CONNOR, and said attorney has recommended to the petitioner that this settlement be accepted.

9. That the proposed distribution of the settlement proceeds as to the Estate of Colleen Burnett would be as follows:

Total Settlement:	\$5,000.00
<u>Less:</u>	
Bryan J. O'Connor (attorney's fee)	1,666.66
Proceeds to Estate	\$3,333.34

These proceeds would be divided equally to the three children, and a draft in amount of \$1,111.11 made payable to Robina Martin for the use and benefit of Jessica Trinkle, a draft in amount of \$1,111.11 made to Ronald Burnett for the use and benefit

of Richard Burnett, and a draft in amount of \$1,111,12 made payable to Matthew Stoudt, Guardian of the Estate of Tracey Stoudt.

10. Petitioner is qualified under Section 2.1 of the Illinois Wrongful Death Act to be appointed special administrator for the sole purpose of prosecuting and settling a cause of action for wrongful death on behalf of the Estate of Colleen Burnett.

WHEREFORE, the Petitioner, ROBINA MARTIN, prays that a hearing be held and that an order be entered granting the petitioner authority to settle the minor's personal injury claim, to execute all necessary settlement documents, to distribute the settlement monies as set forth above and to thereafter hold the funds on behalf of the ward subject to further Order of this Court.


ROBINA MARTIN

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